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FEDERAL ELECTION COMMISSION
BEFORE THE FEDERAL ELECTION COMMISSION

ENFORCEMENT PRIORITY SYSTEM
DISMISSAL REPORT

2015 MAY -9 AM 11:19

MUR: 6882

Complaint Receipt Date: October 16, 2014

Response Date(s): December 11, 2014

Respondents: Cain for Congress, and
Jeremy Fischer, as treasurer of CELA
(collectively the "Committee")

EPS Rating:

Alleged Statutory/

52 U.S.C. § 30120(d)(1)(B)(ii)

Regulatory Violations:

11 C.F.R. § 110.11(c)(3)(iii)

100451001-2001

The Complaint alleges that Cain for Congress, the authorized committee of Congressional candidate Emily Cain, violated the Federal Election Campaign Act of 1971, as amended ("the Act") and Commission regulations by airing a television advertisement that failed to include a written statement that Cain approved the advertisement. The Act requires that television communications by candidates contain a disclaimer including, among other things, a statement that identifies the candidate and states that the candidate approved the communication. The required statement must be spoken by the candidate and shall also appear in writing at the end of the communication. The disclaimer here was technically noncompliant because it failed to include the written statement that the candidate approved the communication, but it did include a spoken statement to that effect. Cain for Congress admits that it omitted the written statement, but states that it was inadvertent and that it sent a corrected version of the advertisement to the television stations once it discovered the omission.

Based on its experience and expertise, the Commission has established an Enforcement Priority System using formal, pre-determined scoring criteria to allocate agency resources and assess whether particular matters warrant further administrative enforcement proceedings. These criteria include (1) the gravity of the alleged violation, taking into account both the type of activity

and the amount in violation; (2) the apparent impact the alleged violation may have had on the electoral process; (3) the complexity of the legal issues raised in the matter; and (4) recent trends in potential violations and other developments in the law. This matter is rated as low priority for Commission action after application of these pre-established criteria. Given that low rating and the other circumstances presented, we recommend that the Commission dismiss the allegations consistent with the Commission's prosecutorial discretion to determine the proper ordering of its priorities and use of agency resources. *Heckler v. Chaney*, 470 U.S. 821, 831-32 (1985). We also recommend that the Commission close the file as to all respondents and send the appropriate letters.

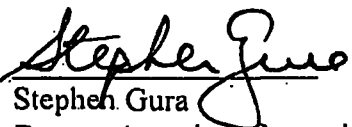
Daniel A. Petalas
Acting General Counsel

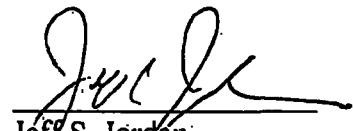
Kathleen M. Guith
Acting Associate General Counsel
for Enforcement

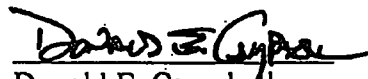
5.9.16

Date

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